Statement by Representative James A. Leach
Chairman, Subcommittee on Asia and the Pacific
Hearing on China's Anti-Secession Law and
Recent Developments across the Taiwan Strait
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On behalf of the Subcommittee, I would like to welcome our distinguished witnesses to our hearing today. I particularly want to thank Deputy Assistant Secretary Schriver and our panel of private experts for accommodating the change in time for our proceedings this morning.

By way of explanation, we were obligated to begin this hearing at an unusually early hour because Viktor Yushchenko, the newly elected President of Ukraine, will be speaking in a few hours before a Joint Session of Congress. In addition, I am obligated to attend a memorial service later this morning for George F. Kennan, a mentor, indeed hero, of mine. I can think of no greater public service role model.

The subject matter of our hearing this morning, relations across the Taiwan Strait and their implications for United States policy, involves a set of enormously complex and intertwined problems, the management of which is central to the preservation of peace and stability in Asia and the Pacific.

Here, it is critical to review the history both of the breakthrough in U.S.-China relations that occurred during the Nixon Administration and the philosophical aspects of American history which relate to issues of a nature similar to mainland-Taiwan divisions today.

United States recognition of China was formally ensconced in a carefully negotiated communiqué and two subsequent understandings. The U.S. accepted a "One China" framework for our relations with the most populous country in the world. At the same time, the three Executive Branch initiatives were complemented by the Taiwan Relations Act, which establishes a commitment of the United States that no change in the status of Taiwan be coercively accomplished through the use of force.

While anti-communist, the party of Chiang Kai-shek on Taiwan had certain organizational attributes similar to the Communist Party on the mainland. And in one circumstance of philosophical consistency, both the Kuomintang of Chiang Kai-shek and the Communist Party of Mao Zedong claimed to be the governing party of all of China, including Taiwan. Hence, the Nixon "one China" approach did not contradict the nationalist positions of the old Kuomintang or the old and new Communist Party on the mainland.

The dilemma which comes to be accentuated with the passage of time is the question of whether Taiwan can legally seek today de jure independence on the basis of a referendum of the people. Here, there are contrasting models in American philosophy and history as

well as security concerns for all parties to a potential rupture that must be prudently thought through.

Philosophically, Americans respect Jeffersonian individual rights approaches which may implicitly countenance revolutionary societal objectives. We also respect Lincolnesque concerns for national unity: a house divided, he noted from Scripture, cannot stand. It is in this context that America delivered a split judgment. The three Executive initiatives affirmed "one China" and the Taiwan Relations Act affirmed de facto, but not de jure, relations with a government of a non-state, one which was authoritarian in the 1970's but democratic today.

From the perspective of the American government, there should be no doubt of the consistency of American policy. Under this President, as each of his predecessors – Presidents Nixon, Ford, Carter, Reagan, Bush, and Clinton – the governing American position is the acknowledgment of the Chinese position that there is but one China of which Taiwan is a part. For U.S. or Taiwanese leaders to assert any other position would create an earthquake in world affairs.

The issue of Taiwan is unique but anything except abstract. It is conceivable that missteps of political judgment could, more readily than many suppose, lead to a catastrophe for Asia, the United States, and the world.

The precepts of "self-determination" and "independence" may in most political and historical contexts be conceptually almost synonymous. But these two precepts are juxtaposed on one place on the planet. Taiwan can have de facto self-determination — meaning the ability of a people to maintain a government accountable to its populace — only if it does not attempt to be recognized with de jure sovereignty by the international community. To be precise, the Taiwanese people can have self-determination as long as they do not seek independence; if they assert independence, their capacity for self-determination will collapse with hundreds of thousand if not millions of lives becoming jeopardized. Hence, for the sake of peace and security for peoples of the island and the broader Asia-Pacific region, there is no credible option except to emphasize restraint.

Any unilateral attempt by either side to change the status quo across the Taiwan Strait is fraught with danger of the highest order.

As we make it clear to China that the U.S. is steadfastly committed to ensuring that the status of Taiwan not be altered by force, we also have an obligation not to entice Taiwan through ill-chosen rhetoric of "ours" on Capitol Hill or elsewhere in government into a sovereignty clash with China. Substantial Taiwanese self-determination can be maintained only if sovereign nationalist identity is not trumpeted. The ambiguous non-state status of Taiwan may be psychologically and aspirationally awkward for Chinese on both sides of the Taiwan Strait, but ambiguity is preferable to sovereign clarity if the former implies peace and prosperity and the latter a ruinous war.

In this regard, there should be no doubt that Congress stands with the Administration in a common determination to fulfill obligations under the Taiwan Relations Act. However, these obligations presuppose that Taiwanese leaders must understand the realities of mainland resolve and refrain from capricious actions that invite conflict or make constructive dialogue impossible. Just as a military effort by Beijing to unilaterally alter the status quo would necessarily precipitate an American reaction, a unilateral political effort by Taiwan to seek independence and dissolve all bonds with China would cause America's commitments under the Taiwan Relations Act to become inoperable.

Unusually, but profoundly, foreign policy options for the two great powers whose interrelationship will disproportionately determine the shape of the twenty-first century are constrained by discretionary statutes rather than negotiated treaties. That is why it is so imperative that we clarify our commitments and do nothing to invite decisions on Taiwan which may contribute to a societal suicide. Leaders in Taipei have heavy responsibilities to international order as well as their own people.

Beijing also has implicit obligations to world order. Yet it is amazing how so-called realists in government circles in so many capitals underestimate the "soft power" of people-to-people and cultural relations.

While recent years have witnessed a new maturity and sophistication in many elements of Chinese foreign policy, more nuanced and pragmatic policy approaches have not generally been applied to Taiwan. For whatever reasons – perceptions of the importance of the Taiwan issue to leadership legitimacy, growing Chinese nationalism, the role of the military in policymaking and internal communist party politics – Beijing appears to be wedded to an uncompromising policy toward Taiwan, even though that approach has been demonstrably unproductive.

Passage last month by the National People's Congress of an anti-secession law, which among other things codifies China's threat to use force against Taiwan, is universally viewed on the island as a hostile, counterproductive act.

Instead of seeking to intimidate and isolate Taiwan, isn't it in Beijing's interest to be magnanimous toward the people of the island?

Shouldn't it, for instance, shepherd Taiwanese membership in international organizations that do not imply sovereignty—such as helping Taiwan gain observer status in the World Health Organization?

Rather than setting deadlines for unification or continuing a counterproductive military buildup, wouldn't Beijing be well-advised to emphasize culture and economics in its relations with Taipei?

And, on the military front, wouldn't it be in both side's interests to upgrade communications, widen professional exchanges, and engage in confidence building measures to reduce the likelihood of accidental conflict?

There is an assumption among students of Beijing politics that no one in or aspiring to power in China can afford to be "soft" on Taiwan. Hence, given the proclivity for independence rhetoric within the governing DPP party on Taiwan, the risk that an escalation of rhetoric could trigger an irrational confrontation is high. Likewise, mainland leadership may choose to precipitate a crisis. Singapore's leaders, who follow trends closely in Beijing, even suggest that China may be prepared to precipitate conflict over Taiwan in the next several years.

The greatest geo-strategic irony in world affairs is that the U.S. and China have a commonality of interest and are working well together to resolve or at least constrain challenges associated with North Korea where the economics and politics of an isolated, rogue regime may ultimately deteriorate to the point of potential implosion. By contrast, it is Taiwan, a severely isolated island on which economics and politics have conjoined to allow more progressive strides to take place than any place on earth over the past generation, where the greatest prospect of great power conflict may exist in Asia.

At the risk of over-statement, an alarming build-up of polarizing attitudes is occurring on both sides of the Taiwan Strait. Whether prospects of conflict are 50% or only 5%, they are too high. The human toll could be great; the rupture in trade and cultural relations devastating, causing impacts that could last decades after any conflict concluded.

In the final measure, all of us are acutely conscious that the 20th Century was the bloodiest century in world history. It was marred by wars, ethnic hatreds, clashes of ideology, and desire for conquest. Compounding these antagonisms has been the prideful miscalculation of various parties. Hence it is in the vital interests of potential antagonists in the world, in this case those on each side of the Taiwan Strait, to recognize that caution must be the watchword in today's turbulent times. Political pride and philosophical passion must not blind peoples to the necessity of rational restraint. An emphasis on peaceful solutions to political differences is the only reasonable basis of future discourse between the mainland and the people of Taiwan.

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